

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2460-2023 (O&M)
Date of Decision:- 30.1.2023

Shaminder Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Priya Singla, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed with a prayer for transfer of criminal case i.e. trial arising out of FIR No. 50, dated 16.3.2017, Police Station Sohana, District SAS Nagar, Mohali, under Sections 467, 468, 471, 420, 120-B IPC, presently stated to be pending in the Court of learned Judicial Magistrate 1st Class, SAS Nagar, Mohali.
2. Learned counsel submits that the petitioner is a lady having three minor children and that she had never been served in the present case nor had been made aware regarding the proceedings of the trial. It has been submitted that though she had appointed Ms. Jagrup Kaur and Associates, as counsel, but they were appointed only for the purpose of bail bonds. It has further been submitted that she was never furnished with a copy of challan and that no arguments as regards framing of charges were advanced on her behalf, but the learned Magistrate, proceeded to frame the charges on 04.3.2022 and her signatures were obtained and that the charge was never read over

to her. It is further the case of the petitioner that on 09.3.2022, the petitioner moved an application for recalling of order dated 04.3.2022, vide which charges have been framed, but the learned Magistrate, at the time of filing of such application was rude and unfair and threatened to send her to jail. It is still further case of the petitioner that Ms. Kulwinder Kaur, Advocate who had been appointed through DLSA, Mohali, also started harassing the petitioner and demanding money and did not appear on her behalf on 20.4.2022. Learned counsel has submitted that the aforesaid facts indicate that respondent No.2 exercises influence in the Sessions Division of Court complex Mohali and that as such the matter be transferred from Mohali to any Court having jurisdiction to try the same at Chandigarh.

3. This Court has considered the rival submissions.
4. A perusal of order dated 04.3.2022 (Annexure P-3) indicates that it is specifically recorded therein that copy of challan along with documents have been supplied to the accused in the Court, free of cost. On the said date the petitioner was duly represented by Mr. J.K.Bhangu, Advocate and on which date the trial Court considered the question of framing of charges also and proceeded to frame the charges.
5. A perusal of order dated 20.4.2022 (Annexure P-6) shows that the petitioner was present in person and although witnesses were present, but a request for deferring their cross-examination as well as recording their examination-in-chief was made. The trial Court

noticed that the petitioner had previously been represented by two different counsels. However, the Court acceded to the request made on behalf of the petitioner and adjourned the matter while binding down the PWs to appear on the next date. The aforesaid orders are indicative of the fact that the trial Court had been proceeding in accordance with law and copy of challan had been duly furnished. The petitioner had also been represented previously by two different counsels and on 20.4.2022 when a request was made for adjournment, the trial Court duly accepted the said request.

6. In view of the aforestated facts, this Court does not find anything to suggest that the trial Court is prejudiced, in any manner or that respondent No.2 is having any kind of influence.
7. Though, this Court finds that no counsel was appearing on behalf of the petitioner on 20.4.2022, but subsequently i.e. on 23.11.2022, Mr. G.S.Khattra, Advocate, a Legal Aid Counsel, had appeared on behalf of the petitioner. His presence is also recorded in order dated 08.12.2022. This Court does not find anything from the zimni orders which could suggest any kind of prejudice on part of Presiding Officer. As such, it cannot be said that the trial Court is prejudiced in any manner or that respondent No.2 is having any kind of influence, so as to justify transfer of case.
8. The petition is sans merit and is hereby dismissed.

30.1.2023

Priyanka

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No